

Title VI Nondiscrimination Policy and Plan

Adopted 2017



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Daytona Beach, FL 32114
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Policy Statement

Daytona Beach International Airport (DAB) is a service of the County of Volusia and is committed to ensuring that no person shall, on the basis of race, color or national origin, sex, age, disability, family or religious status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any DAB program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and Section 520 of the Airport and Airway Improvement Act of 1982.

DAB works to ensure nondiscrimination in all of its programs and activities. Awards of contracting, concessionaires, and leases are managed by the Volusia County Purchasing and Contracts Division and the Volusia County Council, and are made without regard for race, color, national origin, sex or creed.

All subcontractors and vendors who receive payments from the County of Volusia and DAB where funding originates from any Federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

The DAB Title VI Coordinator (the person who oversees all DAB Title VI activities) shall disseminate to all DAB vendors annually the DAB's Title VI form (Exhibit E) that must be signed and returned acknowledging their understanding of the County's Title VI policy and their Title VI responsibilities in their daily work and duties.

Title VI Administration

DAB's Properties and Administration Manager serves as the DAB Title VI Coordinator and is responsible for the overall management of the Airport's Title VI Program and the Limited English Proficiency (LEP) Access Plan described in this document. The DAB Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 49 CFR 21. The DAB Title VI Coordinator's responsibilities include:

- Processing Title VI compliance complaints received at DAB.
- Ensuring a copy of Title VI complaints and other required information is forwarded to the Federal Aviation Administration (FAA) within 15 days of receipt.

- Providing the FAA with an explanation of resolution attempts regarding the complaint. 49 CFR Part 21 Appendix C (b) (3).
- Providing an annual training/review of DAB's Title VI Program and LEP Plan that includes cultural and community relations sensitivity training to Airport staff and volunteers.
- Ensuring language translation services are available and appropriate Title VI signage is posted.
- Updating community statistics and corresponding with the FAA as necessary.
- Responding to requests by the FAA for data and records to determine Title VI compliance.
- Coordinating with DAB program liaisons to ensure the availability of racial and ethnic data showing the extent to which minority groups are beneficiaries of or impacted by Airport programs. 49 CFR 21.9 (b) &(c).
- Maintaining a list of the race, color, and national origin representation of non-elected planning and advisory bodies for the Airport (when such planning bodies are employed).
- Identifying any disparity between representation on these entities and the Airport beneficiaries to the selecting official/committee when vacancies occur. DOT Order 1000.12 (4) (b) (2) (a).
- Maintaining permanent records, which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation; records of correspondence to and from complainants; Title VI investigations; and LEP Plan forms and materials.
- Maintaining a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours. This regulation is available at https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl

DAB Title VI Coordinator Contact Information

Gregory Winqvist, Daytona Beach International Airport, 700 Catalina Blvd., Suite 300, Daytona Beach, FL 32114. Email gwinquist@volusia.org or phone 386-248-8030, ext. 18303.

DAB Title VI Complaint Procedures

49 CFR 21 Appendix C (b) (3); 28 CFR 42.406(d)

DAB has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status by Airport employees, contractors, concessionaires, lessees, or tenants of the Airport, in any of DAB's programs, services or activities may file a complaint with the DAB Title VI Coordinator.

Filing a complaint with the Airport does not deny or limit the right of a complainant to file a formal complaint with an outside agency, such as the Department of Transportation or the FAA, or to seek private legal counsel regarding discrimination.

DAB must notify the complainant of the right to file the complaint directly to the FAA, and this information is included in the letter from the DAB Title VI Coordinator acknowledging receipt of the complaint (Exhibit B).

Written Title VI complaints received by Airport personnel are forwarded to the DAB Title VI Coordinator. The DAB Title VI Coordinator maintains a record of the complaint, conducts a preliminary review and attempt at resolution, and forwards a copy of the complaint and a description of the resolution efforts to the FAA within 15 days of receipt. The following are the complaint procedures.

How to File a Title VI Complaint

The complainant may submit a signed, written complaint, containing the information below, or they may use the DAB Title VI Complaint Form (Exhibit A) up to 180 days from the date of the alleged discrimination. If the form is not used, the complaint should include the following information:

- Your name, mailing address, and contact information (telephone number, email address, etc.).
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant.

- Your signature and the date.

The complaint may be mailed to Gregory Winqvist, Title VI Coordinator, Daytona Beach International Airport, 700 Catalina Drive, Suite 300, Daytona Beach, FL 32114.

Complainants may also file a complaint directly to the Federal Aviation Administration, Office of Civil Rights Room 1030, ACR-1, 800 Independence Avenue SW, Washington, DC 20591.

If a complaint is initially made by phone to the Airport, it must be supplemented with a written complaint within 90 days after the discriminatory event.

Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

Please note: DAB encourages complainants to certify all mail that is sent through the U.S. Postal Service to ensure that all written correspondence can be easily tracked.

Upon receipt of a Title VI complaint, a copy will be forwarded to the DAB Director and the Volusia County Attorney's Office. For information on filing a complaint directly with the U.S. Department of Transportation or the FAA, contact the DAB Title VI Coordinator: Gregory Winqvist 386-248-8030, ext. 18303 or gwinquist@volusia.org.

What Happens After a Complaint is Submitted

All complaints alleging discrimination based on race, color or national origin in a program, service or activity provided by DAB shall be addressed by the DAB Title VI Coordinator, who shall make every effort to investigate all complaints in an expeditious and thorough manner.

A letter from the DAB Title VI Coordinator acknowledging receipt of the complaint will be mailed to the complainant within seven days (Exhibit B).

FAA Notification

Within 15 days of receipt, the DAB Title VI Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA, Regional Civil Rights Staff.

DAB has 60 days to investigate the complaint. If more information is

needed to resolve the case, the DAB Title VI Coordinator may contact the complainant in writing via letter or email, or may meet with the complainant in person. The complainant will have 10 business days from the date of the written correspondence (letter or email) to send the requested information to the DAB Title VI Coordinator.

If the DAB Title VI Coordinator is not contacted by the complainant or does not receive the additional information from the complainant within 10 business days, the Title VI Coordinator can administratively close the case. A case also can be administratively closed if the complainant no longer wishes to pursue his/her case. The complainant shall be notified of the administrative closure in writing.

The DAB Title VI Coordinator also shall provide appropriate assistance to complainants with disabilities or those who are limited in their ability to communicate in English.

If the complaint is found to be unsubstantiated, the DAB Title VI Coordinator will mail a closure letter (Exhibit C) summarizing the allegations and stating there was no Title VI violation and the case will be closed.

Within seven calendar days of receipt of this final written decision from the Airport, complainants have the right to appeal to the Federal Aviation Administration, Office of Civil Rights Room 1030, ACR-1, 800 Independence Avenue SW, Washington, DC 20591.

If the complaint is found to be substantiated, the DAB Title VI Coordinator will mail a letter of finding (LOF, Exhibit D) to the complainant summarizing the allegations and the interviews regarding the alleged incident, and explaining whether any disciplinary action, additional staff training or other action will occur.

Cooperation with the FAA

The DAB Title VI Coordinator will promptly investigate all discrimination complaints, including those referred to the FAA for investigation. In investigating a complaint that has been referred to the FAA, the DAB Title VI Coordinator will endeavor to avoid interfering with the FAA investigation, will cooperate with the FAA when possible, and will share factual information with the FAA.

Title VI Information and Dissemination Procedures

Title VI information shall be publicly displayed on the DAB website,

flydaytonafirst.com, along with the name and contact information of the Title VI Coordinator. Additional information relating to the DAB's nondiscrimination obligation can be obtained from the DAB Title VI Coordinator.

DAB Subcontractors and Vendors

All subcontractors and vendors who receive payments from DAB and the County of Volusia where funding originates from any Federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Every year, the DAB Title VI Coordinator shall disseminate to DAB subcontractors and vendors the DAB Title VI form (Exhibit E). All subcontractors and vendors must sign and return the form acknowledging their understanding of the County's Title VI policy and their Title VI responsibilities in their daily work and duties.

Intimidation and Retaliation Prohibited

DAB employees will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

Notices

49 CFR Part 21 Appendix C (b) (2) (ii)

DAB shall conspicuously display the FAA-provided nondiscrimination posters near the baggage claim areas and the ticket counters. The DAB Title VI Coordinator is responsible for ensuring the posters are visible and maintained.

The County of Volusia's County Manager's Office ensures that required notices of public hearings and opportunities to comment on proposed Airport actions reach all segments of the impacted community. Such notices are announced in the Daytona Beach News-Journal and on the County of Volusia's website, volusia.org. The County Manager's Office maintains records of all such notices.

ADA/504 Statement

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and related Federal and State laws and regulations, forbid discrimination against those who have disabilities. Furthermore, these laws require Federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in

transportation programs, services and activities.

DAB is a service of the County of Volusia. As such, the Airport has adopted the County's ADA Program as follows:

Volusia County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities.

Volusia County encourages the public to report any facility, program, service or activity that appears inaccessible to persons with disabilities. Furthermore, Volusia County will provide reasonable accommodation to disabled individuals who wish to participate in events open to the public or who require special assistance to access county facilities, programs, services or activities.

Because providing reasonable accommodation may require outside assistance, additional organization or resources, Volusia County asks that requests be made at least two business days prior to the need for the accommodation.

Questions, concerns, comments or requests for accommodation should be made to Volusia County's ADA Coordinator George Baker, Central Services Division Director. Email gbaker@volusia.org or call 386-248- 1760. Hearing Impaired: 711 (Florida Relay)/ 800-955-8771 (Florida Relay for TTYUsers).

Limited English Proficiency Access Plan

DAB is a service of the County of Volusia. As such, the Airport has adopted the County's Title VI LEP Program which is as follows:

The goal of Volusia County's Limited English Proficiency (LEP) Access Plan is to ensure the County recognizes the needs of limited English proficient members of the community and implements a plan to communicate effectively with them and ensure reasonable access to our programs and services as well as our processes, information and decision-making.

Most individuals in Volusia County read, write, speak and understand English. However, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be limited English proficient, or "LEP." This language barrier may prevent individuals from accessing Airport

services and programs.

Title VI of the Civil Rights Act of 1964, Executive Order 13166, Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, and various directives from the U.S. Department of Justice and U.S. Department of Transportation, require Federal aid recipients to take reasonable steps to ensure those who do not speak English well have meaningful access to programs, services and activities.

As a recipient of Federal funds, Volusia County is required to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

Volusia County Factor Analysis

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of the four factors listed below. The following sections address each of these with respect to services provided by the County.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities;
2. The frequency with which LEP individuals come in contact with these programs, services or activities;
3. The nature and importance of the program, service, or activity to people's lives; and
4. The resources available and the overall cost to Volusia County.

Factor 1: Review of LEP Populations

Understanding the needs of the community begins with identifying the number of LEP persons eligible to be served, likely to be served or likely to be encountered by the County through its programs, services or activities.

To determine the potential LEP needs for services provided by the County, staff reviewed data available through the U.S. Census Bureau's American Community Surveys (2012-2016 American Community Survey Five-Year Estimates).

Data collected for Volusia County indicated that 4.2% of households within the County speak English "less than very well." A further

breakdown of the data showed that 13.2% of the population speaks a language other than English at home and 86.8% of the population speak English only. Spanish speakers comprise 8.38% of the overall Volusia County population. The next most common languages are French with 0.4% and German with 0.38%. See Table 1 below.

Table 1: The top five languages spoken at home in Volusia County (U.S. Census Bureau's 2012-2016 American Community Survey)						
Population 5 years & older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who speak Spanish	LEP Persons who speak Indo-European Languages	LEP Persons who speak Asian & Pacific Islander Languages	LEP Persons who speak Other Languages
486,583	21,576	4.2%	3.0%	0.6%	0.4%	0.2%

After reviewing a breakdown of Volusia County Spanish LEP populations by city, (2012-2016 American Community Survey Five-Year Estimates), it became clear that much of the data was not statistically significant when viewed on a local level. However, the data did appear to indicate a concentration of Spanish speaking LEP persons in the city of Deltona (8.7%) and the town of Pierson (19.7%).

More recent data from the 2017 American Community Survey revealed that households speaking English less than well represent approximately 2% of the community at large in Volusia County. According to such data, Spanish is the primary language of 65.22% of the County's LEP individuals, with French and German tied as the second most prevalent primary languages, each representing 0.78% of the County's LEP population. Given this information, Volusia County staff believe that a relatively small portion of its service population is comprised of LEP speakers and the majority of LEP individuals in the Volusia County continue to claim Spanish as their primary language.

Factor 2: Assessing Frequency of Contact with LEP Persons

Volusia County shall assess the frequency at which staff has or could possibly have contact with LEP persons. This includes an annual review by the Title VI Coordinator of external data sources (U.S. Census, American Community Survey, Department of Education, etc.) and internal data.

Factor 3: Assessing the Importance of County Programs

The County must ensure that all segments of the population, including LEP persons, have meaningful access to County services and programs and have the opportunity to do business with the County.

Among the most important County services are those related to safety, health, emergency services, recreation and transportation as well as the award of contracts and public participation. The County must ensure that all segments of the population, including LEP persons, have meaningful access to County services and the opportunity to do business with the County.

Presently there is no large geographic concentration of any one type of LEP community within the County; however, the overwhelming majority of the LEP population speaks Spanish as a primary language. Given the foregoing, the majority of the County's efforts to assist LEP individuals are directed toward Spanish speaking individuals.

Factor 4: Determining Available Resources

When planning any activity, it is imperative that an organization assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization.

Available resources that could be used to provide language assistance include maintaining a list of bi-lingual employees and their contact information, and reaching out to area universities, the court system, and faith-based and community organizations for assistance with translations.

Given the size of the Spanish LEP population in the County and the County's existing budget, full language translations of all documents published by the County are not considered warranted or cost feasible at this time; however, the County will conduct periodic reviews to determine, based on demand, whether certain documents or forms require translation.

Conclusion

The analyses of these four factors suggest the countywide need for

LEP services is limited, and that extensive LEP services are not required at this time with regard to many departments/divisions. Those with a need, such as the Volusia County Sheriff's Office, Corrections and Votran, have formal LEP programs in place.

Nevertheless, the County believes that Spanish language assistance is necessary for certain programs and activities in order to provide broad access by members of the public, and the County's general LEP Plan will continue to be developed together with specific plans as may be appropriate for County departments/divisions providing services to LEP populations.

LEP Access Plan Components

An LEP Plan helps management and staff members understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. Volusia County has developed the following plan for providing language assistance to LEP persons.

1. Identifying LEP individuals who need language assistance;
2. Language assistance services;
3. Training staff;
4. Providing notice to LEP persons; and
5. Monitoring and updating the LEP Plan.

Identifying LEP Individuals Who Need Language Assistance

There are several measures the County will take to identify individual persons who may need language assistance:

- Post notices of the County's LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand in County facilities.
- Provide Volusia County staff with language identification cards (Exhibit H) to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically survey Volusia County staff regarding their interaction with LEP persons during the previous period.

Language Assistance Services

The two types of language services are interpretation and translation.

Interpretation is the immediate rendering of oral language from the source language into the target language. Translation is the rendering of a written text from one language (source language) into another language (target language).

Where interpretation/translation is necessary to provide meaningful access to County programs, activities and services, LEP persons will be advised that the County will provide a competent interpreter/translator at the County's expense, or they may secure the assistance of an interpreter/translator of their choice at their own expense.

When translation is needed, documents to be translated upon request will be those determined to be vital, which is defined as those documents without which a person would be unable to access County services.

Signage indicating the availability of free interpreter and translator services will be placed at primary points of contact in County facilities, such as reception areas. Such services will be provided during all normal business hours and when an emergency has been determined to exist during non-business hours.

Other County actions will include:

- Maintaining an updated list of employees who speak or write any languages other than English by asking all department/ division directors to solicit volunteers who are bi-lingual and able to assist in providing interpretation and translation services. Performing language services will be a collateral duty for these employees and is subject to supervisory approval and workload constraints.
- Identifying events and activities that may require an interpreter /translator to ensure meaningful access by LEP persons.
- Identifying critical and essential documents that may need to be provided in Spanish language format.
- Providing meeting notifications in English and Spanish, where appropriate.
- Provide Spanish language outreach materials from other organizations including Federal, State and local agencies in County facilities when possible.

Training Staff

County department/division directors and managers are crucial to the implementation of the LEP Access Plan. Copies of the LEP Plan shall be distributed to all directors and managers, and it is their responsibility to disseminate LEP Plan information to appropriate administrative staff.

Each department/division shall have a designated Title VI liaison who will be the lead person for ensuring compliance with Title VI and LEP procedures. This person will attend annual training.

Providing Notice to LEP Persons

County offices must provide reasonable notification to eligible LEP persons in a way they will understand that language services are available. This will include notices in English and Spanish posted at all County facilities in prominent locations and near reception areas for County departments and divisions.

Monitoring and Updating the LEP Access Plan

The LEP Plan is designed to be flexible and should be viewed as a work in progress. The County will evaluate and monitor its implementation on an annual basis to ensure that the LEP Plan contains updated information on relevant LEP populations, addresses current language assistance needs, and is consistent with the objectives of the LEP Program.

Legislative History – Nondiscrimination

Title VI of the Civil Rights Act of 1964 (42 USC 2000(d) et seq.) states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Section 520 of the Airport and Airway Improvement Act of 1982, (49 USC, 47123) added sex and creed to the list of prohibited bases of discrimination with regard to nondiscrimination in the FAA’s grant program.

Advisory Circular 150/5100-15A provides information and guidance on nondiscrimination in benefits and services to the public; employment in federally-assisted construction contracts; airport employment opportunities; and benefits, services, employment and accessibility for people with disabilities.

The Civil Rights Restoration Act of 1987 further expanded Title VI to include all programs and activities of Federal aid recipients, sub-

recipients, and contractors regardless of whether those programs and activities are federally funded.

Environmental Justice

Title VI of the Civil Rights Act of 1964 created a foundation for future environmental justice regulations. Since the establishment of Title VI, environmental justice has been considered in local, State, and Federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

The National Environmental Policy Act of 1969 (NEPA) addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans safe, healthful, productive, and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic, inter-disciplinary approach” to aid in considering environmental and community factors in decision making.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This piece of legislation directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing all programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations.

Rather than being reactive, Federal, State, local and tribal agencies must be proactive when it comes to determining better methods to serve the public who rely on transportation systems and services to increase their quality of life.

In April 1997, as a reinforcement to Executive Order 12898, the United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2), which summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration, the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA), or other U.S. DOT components.

Reports and Forms

28 CFR 42.406(d); 49 CFR Part 21 Appendix C (b) (3)

The Daytona Beach International Airport completes the "Title VI Pre-Award Sponsor Checklist" (Exhibit G) as part of the grant application package for projects that meet one or more of the following criteria:

- Environmental assessment or impact statement;
- Major runway extension;
- Relocation of airport, runway, person or structure; or
- Impact access or preservation of burial, ceremonial or other sacred or historic structure or lands of any indigenous or ethnic population.

Grant Assurances

49 CFR 21.7 (A) (1); 49 CFR Part 21 Appendix C (b)

DAB, upon application for its first grant to purchase land or an airport or noise implementation project involving construction, executed the completed standard DOT Title VI assurances.

In subsequent grants, DAB includes the Civil Rights Grant Assurance as provided in the grant application package for all FAA-assisted contracts.

Minority Business Notification

49 CFR 21 Appendix C (a) (1) (x)

Volusia County as owner and operator of DAB shall assure that the minority business community in the area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.

NOTE: This regulation is in addition to the Disadvantaged Business Enterprise Program in 49 CFR Part 26. All FAA funding recipients, regardless of funding levels, must meet the notification and award requirements of 49 CFR Part 21 Appendix C(a) (1)(x).

Bids for Airport contactors and concessions are solicited from area businesses (including minority) through the following avenues: General newspapers, trade journals and professional service directories. Some of the bid notification sources include the Daytona Beach News-Journal; the County of Volusia's website; emails to registered vendors; and the Airport Minority Advisory Council.

Volusia County's contractors and concession award process is not based on

race, color, national origin, sex or creed. Information on the award process and documentation for specific bid decisions is kept with the Volusia County Purchasing and Contracts Division, 123 W. Indiana Avenue, Room 302, DeLand, FL 32720-4608 and online at <http://www.volusia.org/services/financial-and-administrative-services/purchasing>.

Transportation

49 CFR 21 Appendix C (a) (1) (ix)

DAB coordinates with County of Volusia's transit system, Votran, to ensure public transportation is available and convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the dis-advantaged and minority population. Votran's service delivery review and analyses are typically performed as part of its Title VI program and during the major update to the Transit Development Plan. This document is developed every five years, and was most recently updated and approved by the Volusia County Council on October 20, 2016. Votran is located at 950 Big Tree Road, South Daytona, FL 32119-8815, phone 386-756-7496.

As of 2017, transit service is provided at the Airport approximately every hour from 7:20 a.m. to 6:20 p.m. daily via Routes 18 and 19. The transfer plaza that serves as a transfer hub for 18 routes is located 3.8 miles east of the Airport at 207 Dr. Mary McLeod Bethune Blvd., Daytona Beach.

Community Statistics: Identification of Target Populations (Demographics) and Spatial Concentrations of Targeted Populations

The geographic basis for this Title VI analysis is based on U.S. 2000 Census data. For purposes of Title VI analysis, it is desirable to make the analysis on the smallest geographic unit available for which information is obtainable for all relevant groups. Census data is available at different levels, including political jurisdictions, urban area, place, census tract, block group, and block. The Census Bureau does not calculate all of its data on each of these areas. The smallest geographic area that the Census Bureau calculates the appropriate information on each relevant group is the block group level. Therefore, the block group was chosen to analyze Title VI issues.

DAB has identified seven relevant groups for Title VI analysis:

- Low-income;
- Federal assistance recipients;
- Minority;
- Elderly;
- Low literacy/English proficiency or English spoken as second language;
- Disabled populations; and
- Zero car households.

Following the identification of the relevant groups for analysis, the next step undertaken was to identify the general distribution of each Title VI population group throughout the DAB service area and then define where each group is most concentrated.

Target Groups

Low Income: A person whose household income (or in the case of a community or group, whose median household income) “is at or below the U.S. Department of Health and Human Services poverty guidelines.”

The national poverty guidelines are issued annually by the Department of Health and Human Services and are online here:
<http://aspe.hhs.gov/poverty/poverty.shtml>.

National poverty guidelines vary based on family size and increases each year due to the Consumer Price Index, online here:
<http://www.bls.gov/news.release/cpi.toc.htm>

The Consumer Price Index is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

Target Group	Total Population *	Total in Poverty	Percent of Population
Individuals In Poverty	604,502	149,223	24.7%

* Persons not part of households are not included in the Total Population. The U.S. Census does not count individuals who reside in group living situations. To better understand how the low income population is distributed throughout the DAB catchment area of both Flagler and Volusia counties, refer to Maps 1 and 2.

Federal Assistance Recipients: People who receive grants or Federal funds. The assistance might be in the form of public housing, food stamps, support services or persons receiving Temporary Assistance for Needy Families (TANF) funds.

Target Group	Total Household	Recipient Households	Percent of Households
Federal Assistance Recipients	237,130	5,505	2.32%

To review where households receiving public assistance are distributed throughout the DAB catchment area, refer to Map 3.

Minority Populations: Persons considered to be minorities are identified in the Census as people of African, Hispanic, Asian, American Indian, or Alaskan native origin (U.S. Census, STF301/Tb1008 and Tb1011; 1990). Executive Order 12898 and the DOT Orders on Environmental Justice consider persons belonging to any of the following groups to be minorities:

- **Black:** A person having origins in any of the black racial groups of Africa.
- **Hispanic:** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **Asian American:** A person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
- **American Indian and Alaskan Native:** A person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

People Group	Total Target Population	Percent of Population
Black	62,477	10.3%
Hispanic	70,428	11.7%
Asian American	10,848	1.8%
American Indian & Alaskan Native	1,483	0.25%
Other (two or more races)	9,641	1.6%
Other	1,360	0.25%
White	448,046	74.1%
Total Population	604,502	100%

A detailed map of the DAB catchment area minority population can be found in Map 4.

Elderly: Any persons over the age of 65.

Target Group	Total Population	Total Elderly Population	Percent of Population
Elderly	604,502	141,860	23.5%

A detailed view of how the elderly population is distributed throughout the DAB catchment area can be found in Map 5.

Low Literacy/English Proficiency: Any readily identifiable group of persons whose ability to read, write, and speak in English; compute and solve problems at levels of proficiency necessary to function on the job and in society to achieve one’s goals; and develop one’s knowledge and potential. Households with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language.

Target Group	Total Households	Total Target Households	Percent of Households
Linguistically Isolated Households	237,130	6,137	2.59%

For more details, refer to Map 6.

People with Disabilities:	Total Population	Target Population	Percent of Population
People with disabilities	604,502	11,421	1.9%

To better understand how persons with disabilities are distributed throughout the DAB catchment area refer to Map 7.

Zero car households: Households without cars or access to one.

Target Group	Total Households	Total Target Households	Percent of Households
Zero Car Households	237,130	15,330	6.5%

Map 8 shows the distribution of households without cars throughout the DAB catchment area.

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Exhibit A

**DAYTONA BEACH
INTERNATIONAL AIRPORT**



**Discrimination Complaint Form
Formulario de Reclamo por discriminacion**

Name (Nombre) _____

Address (Dirección) _____

City (Ciudad) _____ State (Estado) _____

Zip Code (Código Postal) _____

Telephone (Teléfono): Home/Cell (Casa/Celular) _____

Work (Trabajo) _____

Email Address (Correo electrónico) _____

Please indicate the basis of your complaint (Indiqué a continuación la(s) razón (es) por su queja):

Race (Raza/origen étnico) _____ Age (Edad) _____ Disability (Discapacidad) _____

National Origin (Origen Nacional) _____ Color (Color) _____ Gender (Sexo) _____

Date, time and place of discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination. (Fecha(s), hora(s) y lugar donde ocurrió el acto de discriminación. Incluya la fecha del primer incidente y fecha de l incidente más reciente).

How were you discriminated against? ¿Cómo ocurrió el acto de discriminación?

Who is responsible for the discriminatory action(s)? (¿Quién considera usted que ejercio discriminacion contra usted?)

Name of Organization (Nombre de la organización) _____

Name of Individual (Nombre de la persona) _____

Address (Dirección) _____

City (Ciudad) _____ State (Estado) _____

Zip Code (Código Postal) _____ Telephone (Telefono) _____

Names of persons (witnesses or others) who may be contacted for additional information to support or clarify your complaint (Escribalos nombres de las personas (testigo su otros) si los conoce, que podemos contactar a fin de obtener información adicional para respaldar o aclarar su queja).

Name (Nombre)	Work Telephone Telefono del trabajo	Home Telephone Telefono de casa	Cell Telephone Telefono celular

Complainant's Signature (Firma) _____

Date (Fecha) _____

Your complaint may be filed with the Daytona Beach International Airport Title VI Coordinator as follows (Envie su queja a lo siguiente):

Gregory Winqvist
 Title VI Coordinator
 Daytona International Airport
 700 Catalina Drive, Suite 300
 Daytona Beach, FL 32114

FOR OFFICE USE ONLY

Date Complaint Received (Fecha de Recibo de Queja):	
Processed by (Procesado por):	

Exhibit B
Letter Acknowledging Receipt of Complaint

Today's Date

Complainant's Name
Complainant's Address

Dear (Mr./Ms.):

This letter is to acknowledge receipt of your complaint against the Daytona Beach International Airport regarding_____.

An investigation will begin shortly. Please be advised that you may file your complaint directly with the Federal Aviation Authority at the following address:

Federal Aviation Administration Office of Civil Rights
Room 1030, ACR-1
800 Independence Avenue, SW
Washington, DC 20591

If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office. My contact information is below.

Sincerely,

Gregory Winqvist, Title VI Coordinator
Daytona Beach International Airport
700 Catalina Blvd., Suite 300
Daytona Beach, FL 32114
gwinquist@volusia.org
386-248-8030, ext. 18303

Exhibit C
Notification the Complaint was not Substantiated
(closure letter)

Today's Date

Complainant Name
Complainant Address

Dear (Mr./Ms.)

The matter referenced in your complaint of _____(date) against the Daytona Beach International Airport alleging _____has been investigated and the results do not indicate the provisions of Title VI of the Civil Rights Act of 1964 were violated.

As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving Federal financial assistance. The Volusia County Attorney's Office analyzed the materials and facts pertaining to your case for evidence of the County's failure to comply with any of the civil rights laws. There was insufficient evidence found that any of these laws have been violated.

Because your complaint was not substantiated, I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from the Airport, and/or 2) file a complaint externally with the Federal Aviation Administration, Office of Civil Rights Room 1030, ACR-1, 800 Independence Avenue SW, Washington, DC 20591.

Thank you for taking the time to contact Daytona Beach International Airport. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Gregory Winqvist, Title VI Coordinator
Daytona Beach International Airport
700 Catalina Blvd., Suite 300
Daytona Beach, FL 32114
gwinquist@volusia.org
386-248-8030, ext. 18303

Exhibit D
Notice the Complaint was Substantiated
(letter of finding)

Today's Date
Complainant's Name
Complainant's Address

Dear (Mr./Ms.):

The matter referenced in your letter of _____(date) against the County of Volusia alleging a Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts (identify corrective actions – you may use an exhibit to do so) are under way to correct these deficiencies.

Thank you for bringing this important matter to our attention. You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Gregory Winquist, Title VI Coordinator
Daytona Beach International Airport
700 Catalina Blvd., Suite 300
Daytona Beach, FL 32114
gwinquist@volusia.org
386-248-8030, ext. 18303

Exhibit E
DAB Vendor/Subcontractor Education Form

Title VI Nondiscrimination Policy and Plan

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

All subcontractor and vendors of Daytona Beach International Airport are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to contact:

Gregory Winqvist, Title VI Coordinator
Daytona Beach International Airport
700 Catalina Blvd., Suite 300
Daytona Beach, FL 32114
gwinquist@volusia.org
386-248-8030, ext. 18303

Acknowledgement of Title VI Nondiscrimination Policy and Plan

I hereby acknowledge the receipt of the County of Volusia's Title VI Nondiscrimination Policy and Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI (42 U.S.C. Section 2000d).

Vendor or subcontractor signature

Vendor or subcontractor business

Print your name

Date

Exhibit F

Pt. 21

49 CFR Subtitle A (10-1-97 Edition)

PART 21-NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION-EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

- 21.1 Purpose.
- 21.3 Application of this part.
- 21.5 Discrimination prohibited.
- 21.7 Assurances required.
- 21.9 Compliance information.
- 21.11 Conduct of investigations.
- 21.13 Procedure for effecting compliance.
- 21.15 Hearings.
- 21.17 Decisions and notices.
- 21.19 Judicial review.
- 21.21 Effect on other regulations, forms, and instructions.
- 21.23 Definitions.

APPENDIX A TO PART 21-ACTIVITIES TO WHICH THIS PART APPLIES

APPENDIX B TO PART 21-ACTIVITIES TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

APPENDIX C TO PART 21-APPLICATION OF PART 21 TO CERTAIN FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION

AUTHORITY: Sec. 602, 42 U.S.C. 2000d-1.

SOURCE: 35 FR 10080, June 18, 1970, unless otherwise noted.

§ 21.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.

§ 21.3 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs and activities listed in appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this

part pursuant to an application approved before that effective date. This part does not apply to:

- (1) Any Federal financial assistance by way of insurance or guaranty contracts;
- (2) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part, except where such assistance was subject to the title VI regulations of any agency whose responsibilities are now exercised by this Department;
- (3) Any assistance to any individual who is the ultimate beneficiary under any such program; or
- (4) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 21.5(c).

The fact that a program or activity is not listed in appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to appendix A to this part.

(b) In any program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space.

§ 21.5 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin,

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(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or appli-

cant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) Examples demonstrating the application of the provisions of this section to certain programs of the Department of Transportation are contained in appendix C of this part.

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.

§21.7

(c) Employment practices:

(1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Department which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (c)(1) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individ-

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uals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

[35 FR 10080, June 18, 1970, as amended by Arndt. 72-2, 38 FR 17997, July 5, 1973]

§ 21.7 Assurances required.

(a) *General.* (I) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Secretary shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required

of subgrantees, contractors and sub-contractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including

the programs listed in appendix A to this part) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application: (1) Contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

§ 21.9 Compliance information.

(a) *Cooperation and assistance.* The Secretary shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

(c) *Access to sources of information.* Each recipient shall permit access by the Secretary during normal business

hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Secretary finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

[35 FR 10080, June 18, 1970, as amended by Arndt. 72-2, 38 FR 17997, July 5, 1973]

§ 21.11 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

(c) *Investigations.* The Secretary will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to

whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §21.13.

(2) If an investigation does not warrant action pursuant to paragraph (d)(i) of this section the Secretary will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[35 FR 10080, June 18, 1970, as amended by Arndt. 72-2, 38 FR 17997, July 5, 1973]

§ 21.13 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking.

and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with §21.7.* If an applicant fails or refuses to furnish an assurance required under §21.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, subject to §21.21, the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grantor to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until:

(1) The Secretary has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Secretary pursuant to §21.17(e); and

(4) The expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means au-

thorized by law shall be taken by this Department until:

(1) The Secretary has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 21.15 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by §21.13(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either: (1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 21.13(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a

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time fixed by the Secretary unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary, or at his discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute non-compliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with §21.17.

§ 21.17 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Secretary conducts the hearing, the applicant or

recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a written copy of the final decision of the Secretary shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to §21.15, a decision shall be made by the Secretary on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision by an official of the Department, other than the Secretary personally, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary personally, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(l) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely af-

ected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g) (1) of this section. If the Secretary determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying who it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section.

While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 21.19 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 21.21 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to

any applicant for a recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part may be considered to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Secretary shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 21.17), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of this Department.

§ 21.23 Definitions.

Unless the context requires otherwise, as used in this part:

(a) *Applicant* means a person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) *Facility* includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) *Federal financial assistance* includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) *Primary recipient* means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) *Program* includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or

other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) *Recipient* may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) *Secretary* means the Secretary of Transportation or, except in §21.17 (e), any person to whom he has delegated his authority in the matter concerned.

APPENDIX A TO PART 21-ACTIVITIES TO WHICH THIS PART APPLIES

1. Use of grants made in connection with Federal-aid highway systems (23 U.S.C. IOI *et seq.*).

2. Use of grants made in connection with the Highway Safety Act of 1966 (23 U.S.C. 401 *et seq.*).

3. Use of grants in connection with the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C.1391-1409,1421-1425).

4. Lease of real property and the grant of permits, licenses, easements and rights-of-way covering real property under control of the Coast Guard (14 U.S.C. 93 (n) and (o)).

5. Utilization of Coast Guard personnel and facilities by any State, territory, possession, or political subdivision thereof (14 U.S.C. 141(a)).

6. Use of Coast Guard personnel for duty in connection with maritime instruction and

training by the States, territories, and Puerto Rico(14U.S.C. 148).

7. Use of obsolete and other Coast Guard material by sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard auxiliary, and public body or private organization not organized for profit (14U.S.C.641(a)).

8. U.S. Coast Guard Auxiliary Program (14 U.S.C. 821-832).

9. Use of grants for the support of basic scientific research by nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research (42 U.S.C. 1891).

10. Use of grants made in connection with the Federal-aid Airport Program (secs. 1-15 and 17-20 of the Federal Airport Act, 49 U.S.C. 1101-1114, 1116-1120).

11. Use of U.S. land acquired for public airports under:

a. Section 16 of the Federal Airport Act, 49 U.S.C. 1115; and

b. Surplus Property Act (sec. 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g), and sec. 3 of the Act of Oct. 1, 1949, 50 U.S.C. App.1622b).

12. Activities carried out in connection with the Aviation Education Program of the Federal Aviation Administration under sections 305, 311, and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1352, and 1354(a)).

13. Use of grants and loans made in connection with Urban Mass Transportation Capital Facilities Grant and Loan Program-Urban Mass Transportation Act of 1964, as amended (49U.S.C.1602).

14. Use of grants made in connection with Urban Mass Transportation Research and Demonstration Grant Program-Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605).

15. Use of grants made in connection with Urban Mass Transportation Technical Studies Grant Program-Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607a).

16. Use of grants made in connection with Urban Mass Transportation Managerial Training Grant Program-Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607b).

17. Use of grants made in connection with Urban Mass Transportation Grants for Research and Training Programs in Institutions of Higher Learning-Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607c).

18. Use of grants made in connection with the High Speed Ground Transportation Act, as amended (49U.S.C.631-642).

APPENDIX B TO PART 21-ACTIVITIES TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

I. Appalachia Regional Development Act of 1965 (40 U.S.C. App. I et seq.).

APPENDIX C TO PART 21-APPLICATION

OF PART 21 TO CERTAIN FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION

NONDISCRIMINATION ON FEDERALLY ASSISTED PROJECTS

(a) *Examples.* The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions of this part on projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations:

(1) *Federal Aviation Administration.* (i) The airport sponsor or any of his lessees, concessionaires, or contractors may not differentiate between members of the public because of race, color, or national origin in furnishing, or admitting to, waiting rooms, passenger holding areas, aircraft tiedown areas, restaurant facilities, restrooms, or facilities operated under the compatible land use concept.

(ii) The airport sponsor and any of his lessees, concessionaires, or contractors must offer to all members of the public the same degree and type of service without regard to race, color, or national origin. This rule applies to fixed base operators, restaurants, snack bars, gift shops, ticket counters, baggage handlers, car rental agencies, limousines and taxis franchised by the airport sponsor, insurance underwriters, and other businesses catering to the public at the airport.

(iii) An aircraft operator may not be required to park his aircraft at a location that is less protected, or less accessible from the terminal facilities, than locations offered to others, because of his race, color, or national origin.

(iv) The pilot of an aircraft may not be required to help more extensively in fueling operations, and may not be offered less incidental service (such as windshield wiping), than other pilots, because of his race, color, or national origin.

(v) No pilot or crewmember eligible for access to a pilot's lounge or to unofficial communication facilities such as a UNICOM frequency may be restricted in that access because of his race, color, or national origin.

(vi) Access to facilities maintained at the airport by air carriers or commercial operators for holders of first-class transportation tickets or frequent users of the carrier's or

operator's services may not be restricted on the basis of race, color, or national origin.

(vii) Passengers and crewmembers seeking ground transportation from the airport may not be assigned to different vehicles, or delayed or embarrassed in assignment to vehicles, by the airport sponsor or his lessees, concessionaires, or contractors, because of race, color, or national origin.

(viii) Where there are two or more sites having equal potential to serve the aeronautical needs of the area, the airport sponsor shall select the site least likely to adversely affect existing communities. Such site selection shall not be made on the basis of race, color, or national origin.

(ix) Employment at obligated airports, including employment by tenants and concessionaires shall be available to all regardless of race, creed, color, sex, or national origin. The sponsor shall coordinate his airport plan with his local transit authority and the Urban Mass Transportation Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.

(x) The sponsor shall assure that the minority business community in his area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.

(2) *Federal Highway Administration.* (i) The State, acting through its highway department, may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.

(ii) The State may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.

(iii) Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.

(iv) The State may not discriminate against the traveling public and business users of the federally assisted highway in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation,

and vehicle servicing) constructed on, over or under the right-of-way of such highways.

(v) Neither the State, any other persons subject to this part, nor its contractors and subcontractors may discriminate in their employment practices in connection with highway construction projects or other projects assisted by the Federal Highway Administration.

(vi) The State shall not locate or design a highway in such a manner as to require, on the basis of race, color, or national origin, the relocation of any persons.

(vii) The State shall not locate, design, or construct a highway in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, color, or national origin.

(3) *Urban Mass Transportation Administration.* (i) Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.

(ii) No person who is, or seeks to be, an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.

(iii) No person or group of persons shall be discriminated against with regard to he routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.

(iv) The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

(b) *Obligations of the airport operator-* (1) *Tenants, contractors, and concessionaires.* Each airport operator shall require each tenant, contractor, and concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the airport, to covenant in a form specified by the Administrator, Federal Aviation Administration, that he will comply with the nondiscrimination requirements of this part.

(2) *Notification of beneficiaries.* The airport operator shall: (i) Make a copy of this part available at his office for inspection during

normal working hours by any person asking for it, and (ii) conspicuously display a sign, or signs, furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, color, or national origin is prohibited on the airport.

(3) *Reports.* Each airport owner subject to this part shall, within 15 days after he receives it, forward to the Area Manager of the FAA Area in which the airport is located a copy of each written complaint charging **discrimination because of race, color, or national origin** by any person subject to this part, together with a statement describing all actions taken to resolve the matter, and the results thereof. Each airport operator shall submit to the area manager of the FAA area in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator.

[35 FR 10080, June 18, 1970, as amended by Arndt. 21-1, 38 FR 5875, Mar. 5, 1973; Arndt. 21-3, 40 FR 14318, Mar. 31, 1975]

PART 23-PARTICIPATION BY MINORITY BUSINESS ENTERPRISE IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Subpart A-General

Sec.

23.1 Purpose.

23.2 Applicability.

23.5 Definitions.

23.7 Discrimination prohibited.

Subpart B-[Reserved]

Subpart C-Department of Transportation Financial Assistance Programs

23.41 General.

23.43 General requirements for recipients.

23.45 Required MBE program components.

23.47 Counting MBE participation toward meeting MBE goals.

23.49 Maintenance of records and reports.

23.51 Certification of the eligibility of minority business enterprises.

23.53 Eligibility standards.

23.55 Appeals of denials of certification as an MBE.

Subpart D-Implementation of Section 105(f) of the Surface Transportation Assistance Act of 1982

23.61 Purpose.

23.62 Definitions.

23.63 Applicability.

23.64 Submission of overall goals.

23.65 Content of justification.

Exhibit G

TITLE VI PRE-AWARD SPONSOR CHECKLIST

Airport/Sponsor: _____

AIP #: _____

Project Description(s): _____

1) Please describe any of the following IF they apply to your project: Title VI issues raised at public hearing(s) and the conclusions made; EIS data concerning the race, color, or national origin of the affected community; steps taken or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.

None

2) Please list any airport related Title VI lawsuits or complaints filed in the preceding year against the sponsor. Include a summary of the findings.

None (If "None", continue with questions 3 and 4).

3) Please list any current applications for federal funding (other than FAA) of airport related projects which exceed the amount for this grant.

None

4) Please list any airport related Title VI compliance review(s) received by the sponsor in the preceding two years. Include who conducted the review and any findings of noncompliance.

None

To be completed by the Civil Rights Staff

Review completed and approved: _____
Signature

Date: _____

This checklist is only required for projects that involve one of the following: Environmental Assessment or Impact Statement (EIS); airport or runway relocation; major runway extension; relocation of any structure of person; or impact to access or preservation of any burial ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Return to: FAA, Civil Rights, Northwest Mountain Region; 1601 Lind Ave. SW; Renton, WA 98057-3356. FAX: (425) 227-1009 Phone (425) 227-2009

Appendix H -- Language Identification Form

2004
Census
Test

United States
Census
2010

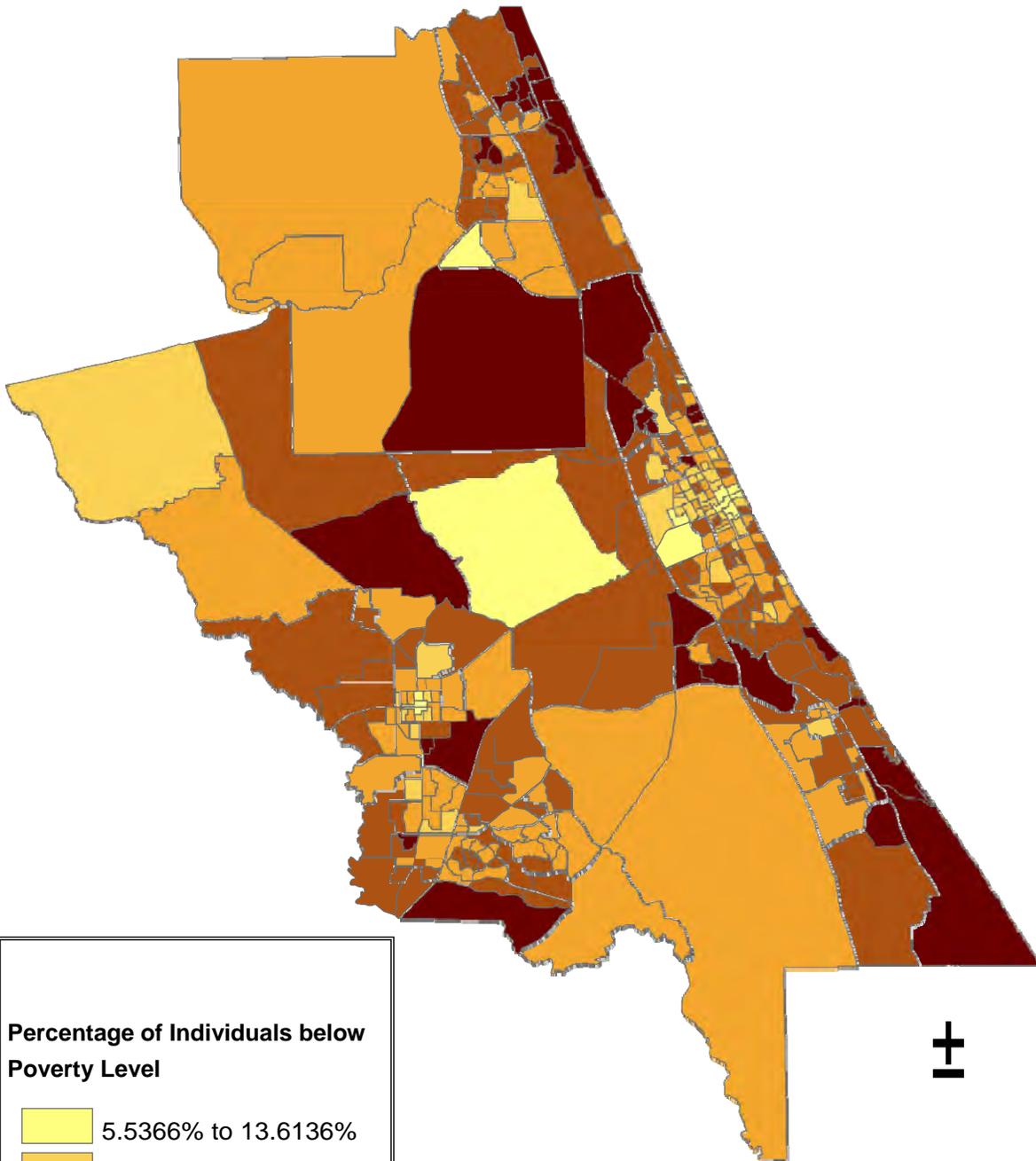
LANGUAGE IDENTIFICATION FLASHCARD

- | | |
|--|------------------------|
| <input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p> | 1. Arabic |
| <input type="checkbox"/> <p>Խոսողո՞ւմ ե՞նք նշո՞ւմ կատարե՞ք այս քառակուսում,
կթե՞խ ստոսո՞ւմ կամ կարդո՞ւմ ե՞ք հայերեն:</p> | 2. Armenian |
| <input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p> | 3. Bengali |
| <input type="checkbox"/> <p>ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p> | 4. Cambodian |
| <input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p> | 5. Chamorro |
| <input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p> | 6. Simplified Chinese |
| <input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p> | 7. Traditional Chinese |
| <input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p> | 8. Croatian |
| <input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p> | 9. Czech |
| <input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p> | 10. Dutch |
| <input type="checkbox"/> <p>Mark this box if you read or speak English.</p> | 11. English |
| <input type="checkbox"/> <p>اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.</p> | 12. Farsi |

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຂໍ້ຮຽງນີ້ ຖ້າທ່ານອ່ານຫຼືຢາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратички уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Map 1 Individuals below Poverty Level in DAB Catchment Area

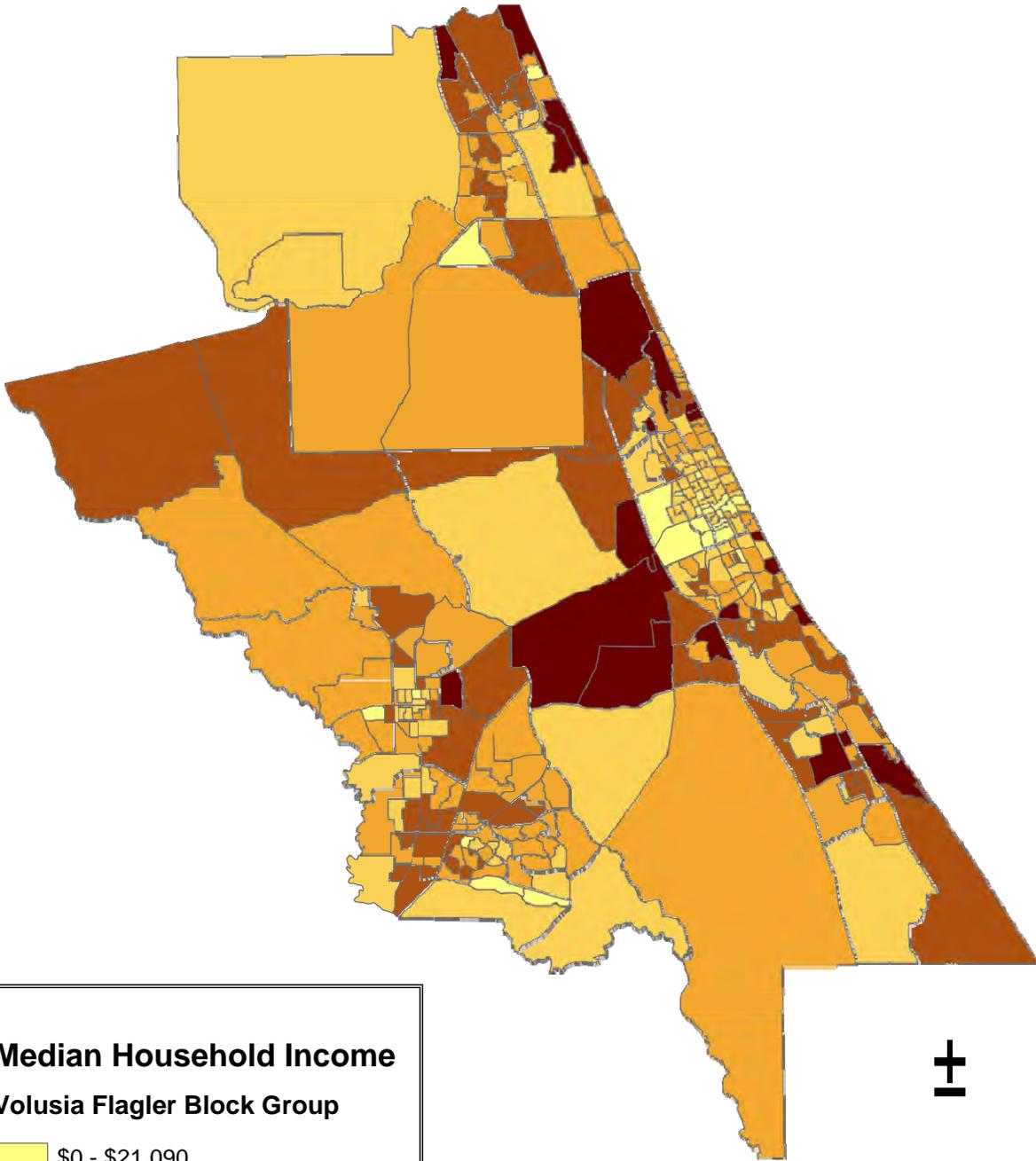


Percentage of Individuals below Poverty Level

Light Yellow	5.5366% to 13.6136%
Yellow-Orange	13.6137% to 20.0348%
Orange	20.0349% to 25.1058%
Brown	25.1059% to 30.1834%
Dark Red	30.1835% to 50.602%

Aviation and Economic Resources
05/10/2017

Map 2 Median Household Income in DAB Catchment Area

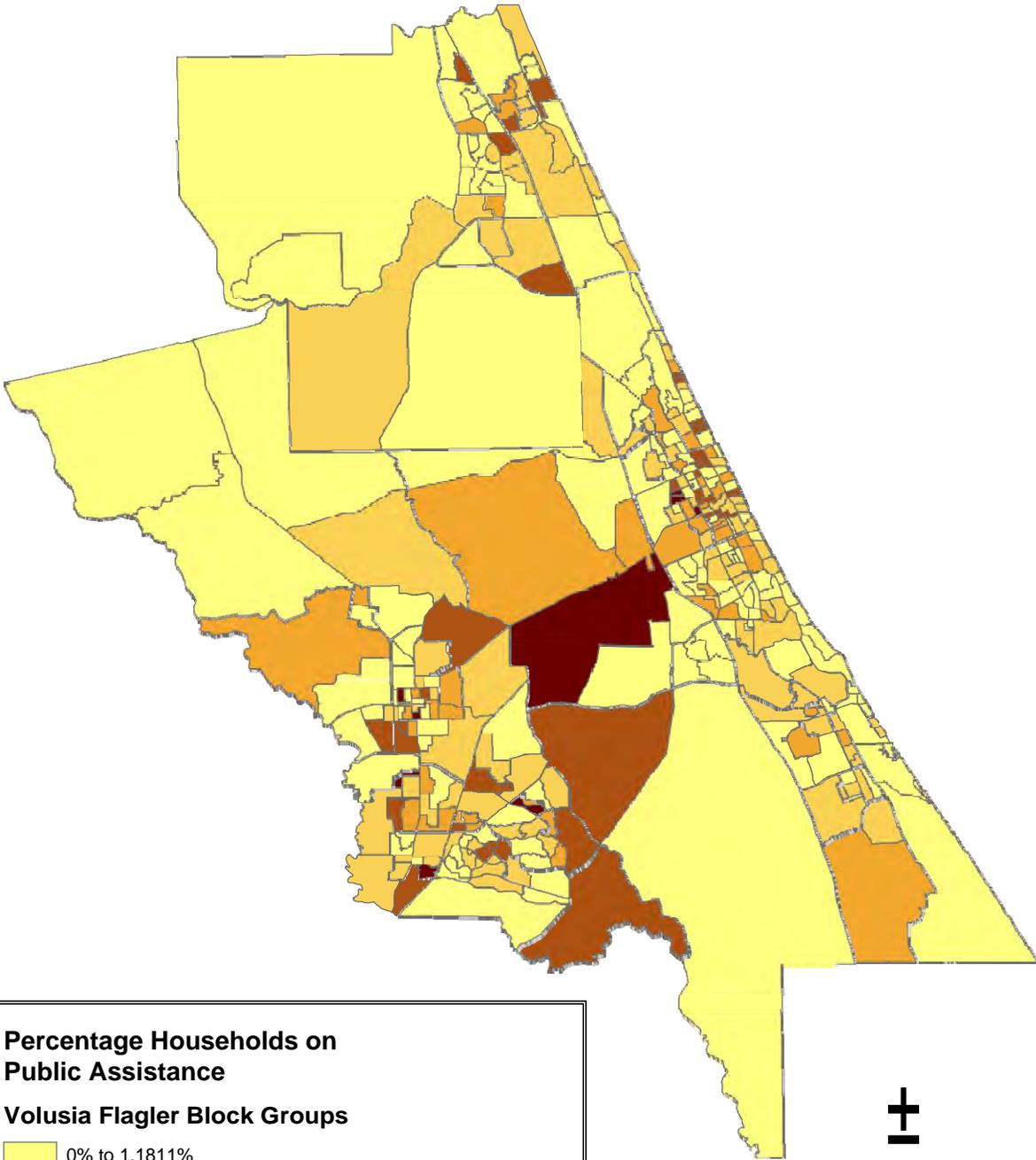


Median Household Income Volusia Flagler Block Group

- \$0 - \$21,090
- \$21,090 - \$36,573
- \$36,574 - \$49,808
- \$49,809 - \$67,831
- \$67,832 - \$101,645

Aviation and Economic Resources
05/10/2017

Map 3 Households on Public Assistance in DAB Catchment Area

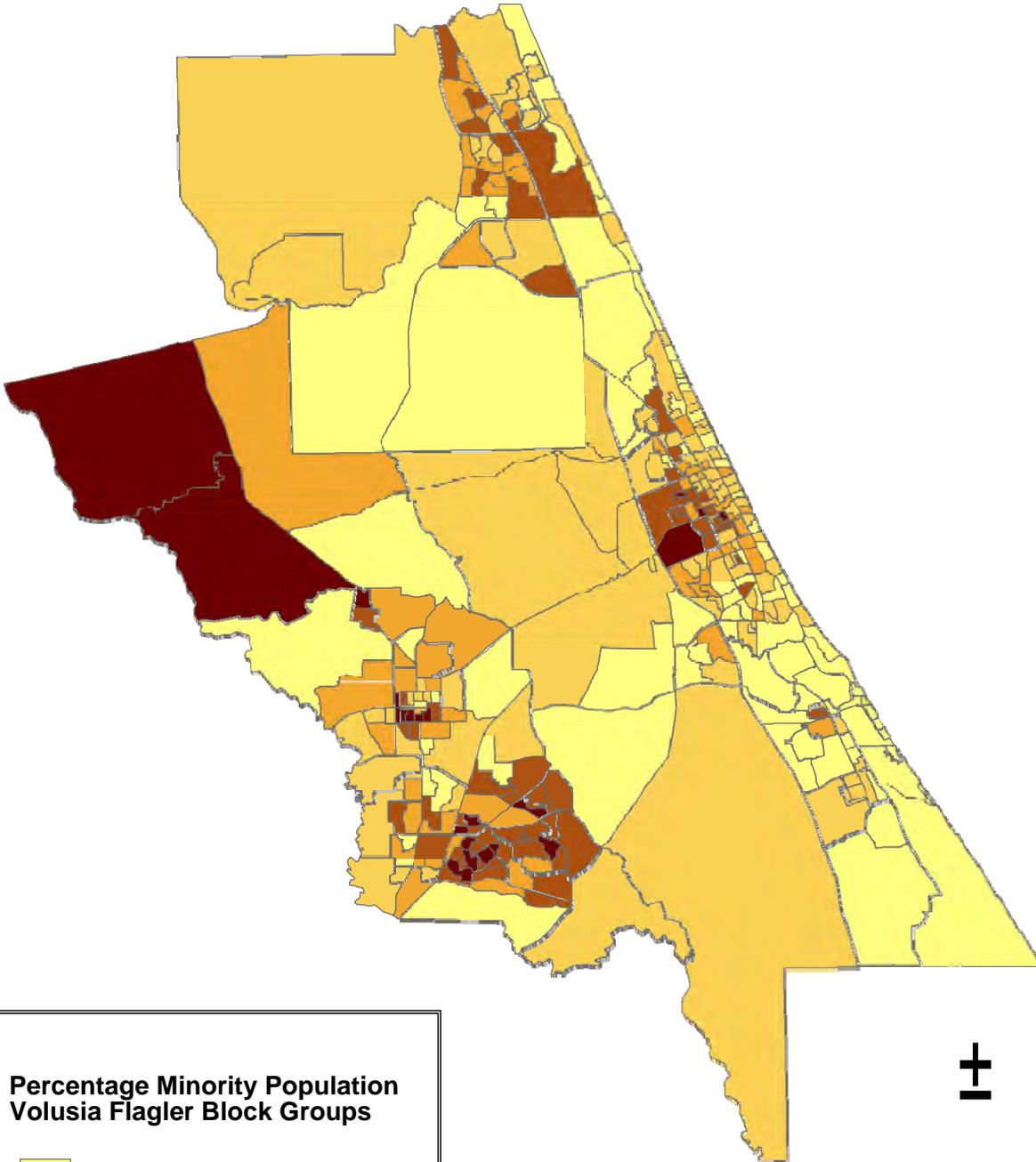


Percentage Households on Public Assistance
Volusia Flagler Block Groups

	0% to 1.1811%
	1.1812% to 3.3210%
	3.3211% to 6.0976%
	6.0977% to 11.3260%
	11.3261% to 24.4898%

Aviation and Economic Resources
05/10/2017

Map 4 Minority Populations in DAB Catchment Area



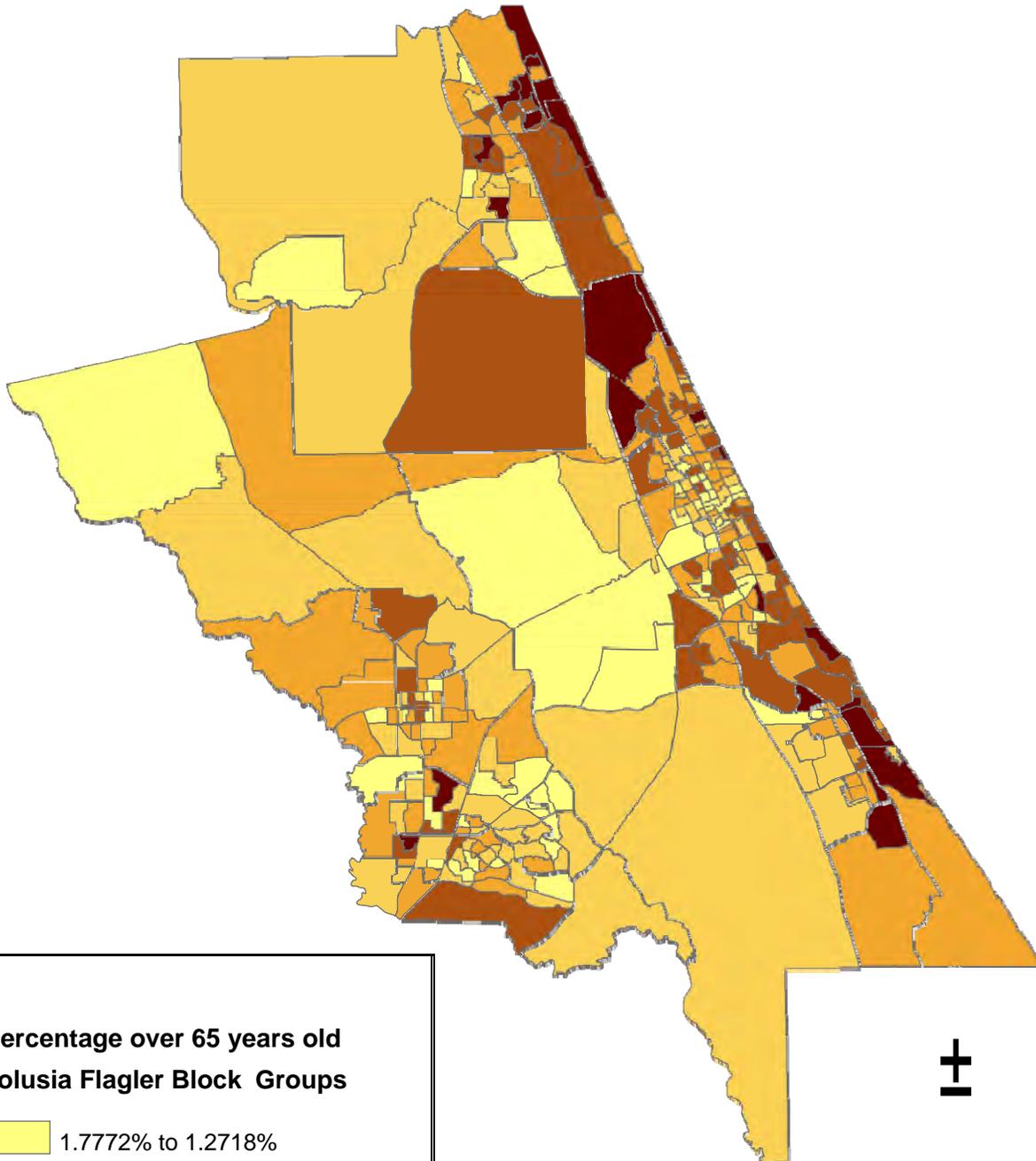
Percentage Minority Population Volusia Flagler Block Groups

- 0.5573% to 9.8790%
- 9.8791% to 20.1273%
- 20.1274% to 31.9006%
- 31.9007% to 48.4424%
- 48.4425% to 74.4868%

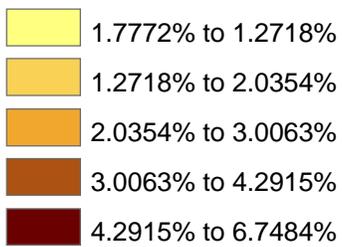


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Map 5 Population over 65 Years of Age in DAB Catchment Area

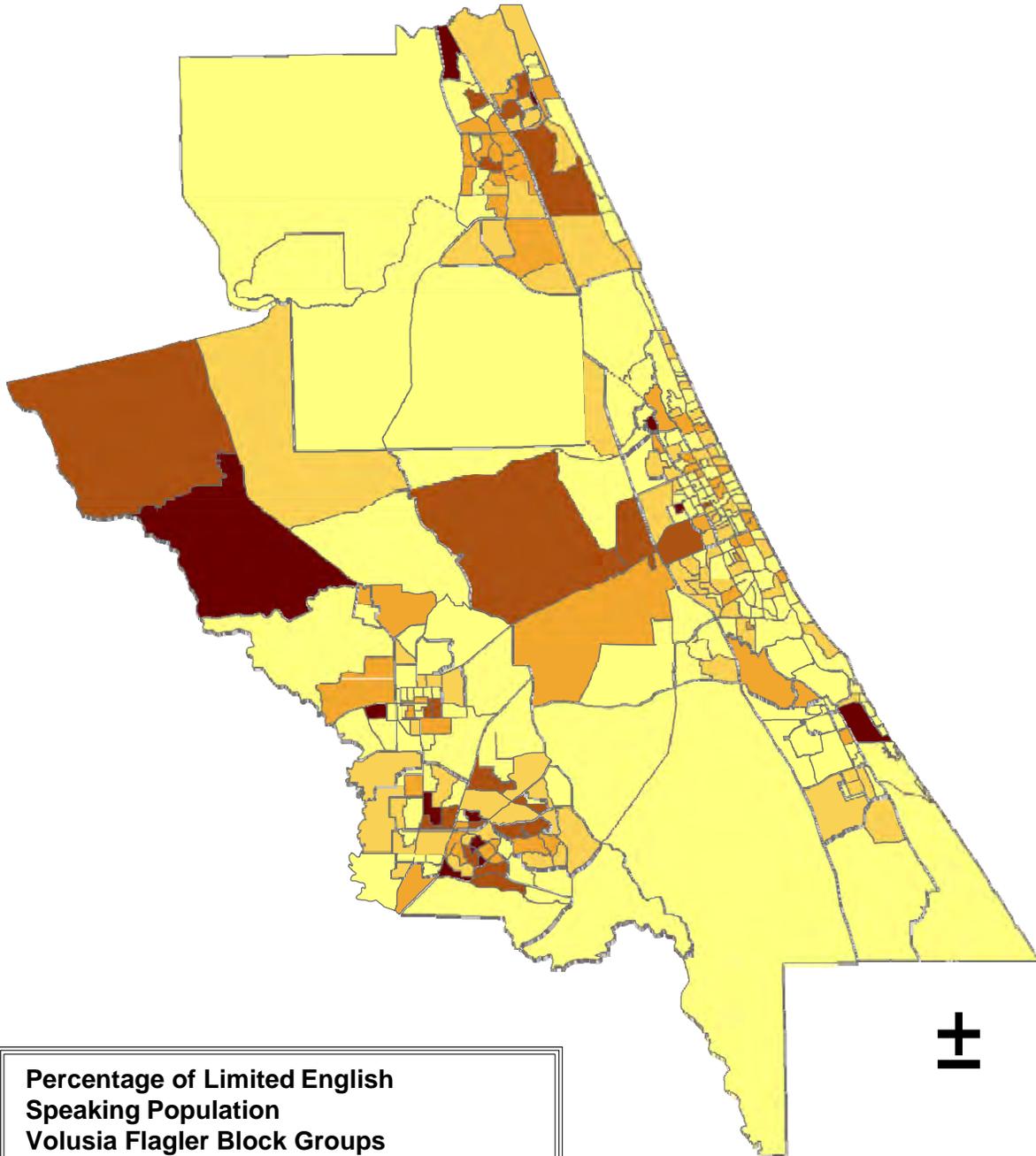


Percentage over 65 years old Volusia Flagler Block Groups



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Map 6 Limited English Speaking Population in DAB Catchment Area

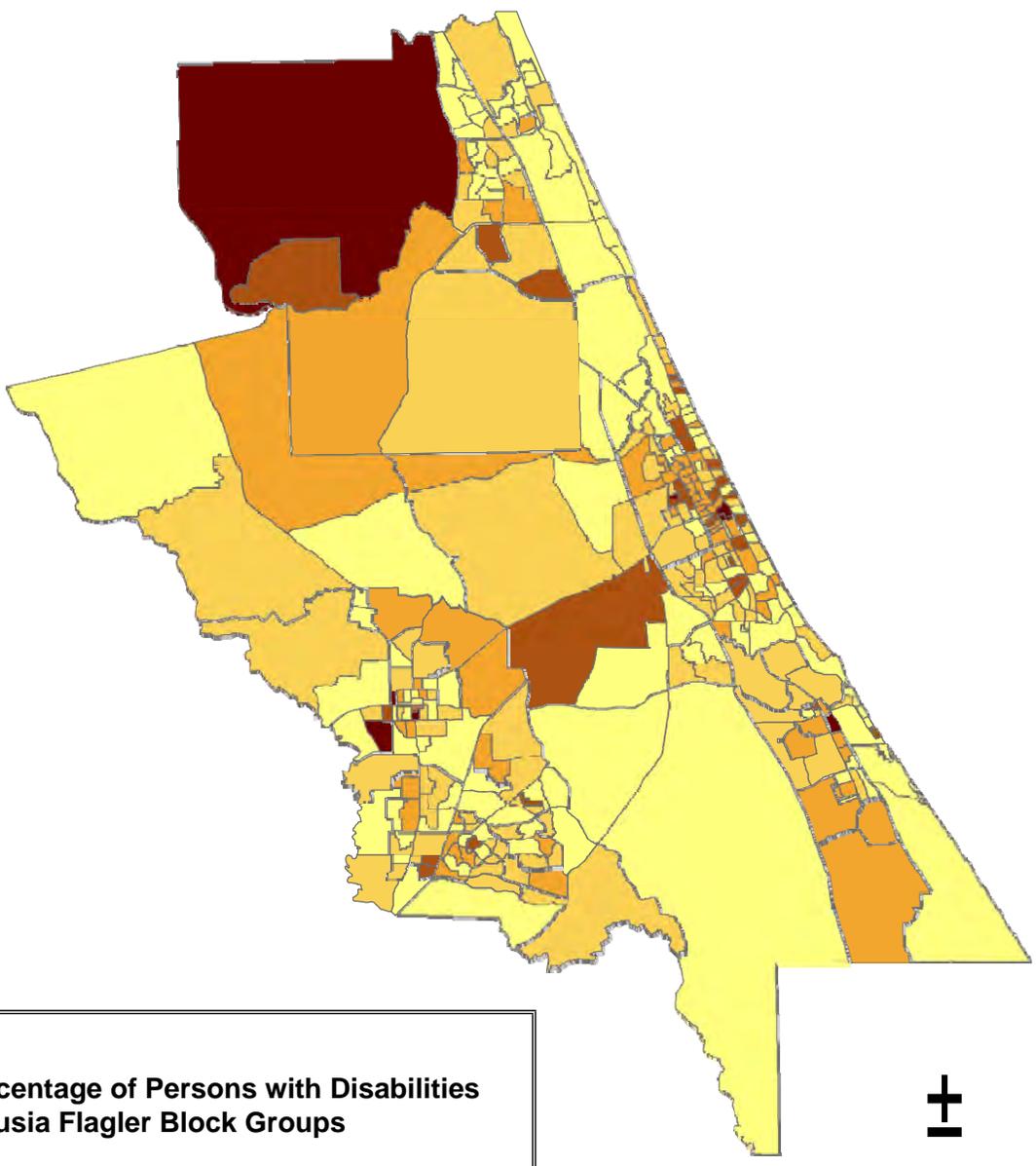


**Percentage of Limited English Speaking Population
Volusia Flagler Block Groups**

Light Yellow	0.0% to 0.9217%
Yellow-Orange	0.9218% to 3.2852%
Orange	3.2853% to 7.4879%
Brown	7.4880% to 13.9535%
Dark Red	13.9536% to 27.5785%

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Map 7 Persons with Disabilities in DAB Catchment Area

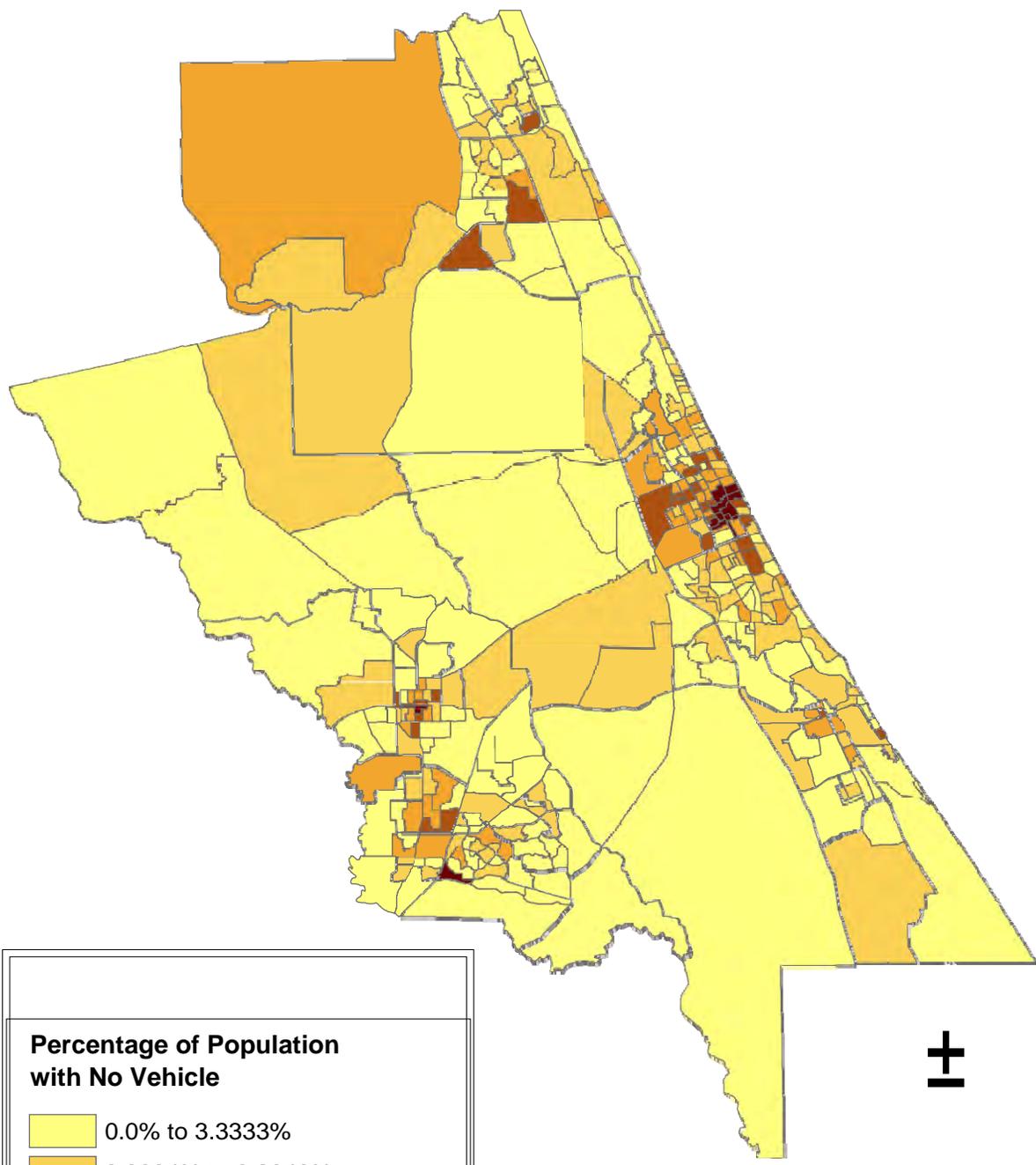


**Percentage of Persons with Disabilities
Volusia Flagler Block Groups**

0.0% to 0.7629%
0.7629% to 2.3809%
2.3809% to 5.2202%
5.2202% to 9.6560%
9.6560% to 18.8959%

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Map 8 Population with no Vehicle in DAB Catchment Area



Percentage of Population with No Vehicle

- 0.0% to 3.3333%
- 3.3334% to 9.2040%
- 9.2041% to 17.6334%
- 17.6335% to 27.8107%
- 27.8108% to 49.6894%



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